

**CBH LEGISLATIVE UPDATE  
FINAL REPORT 2011**

<b>BILL</b>	<b>TITLE/DESCRIPTION</b>	<b>CBH POSITION</b>	<b>STATUS</b>
<b>HB3/SB577</b>	<b>Pharmacies-Taking Back and Disposing of Unused Drugs</b> (Valderrama/Muse and Benson) Requires pharmacies to take back and dispose of unused medications. See also <b>HB460/SB770</b> (Murphy et al/Conway and Montgomery) dealing with disposal in the context of the the state prescription drug repository program	Monitor	HB3 killed by HGO/SB577 killed by EHEA  HB460/SB770 <b>PASSED</b> amended
<b>HB10</b>	<b>Maryland Constitution – Laws – Making an Appropriation Subject to Petition on Referendum</b> (Smigiel) Constitutional amendment to put increases in budget appropriations up for referendum. See also <b>HB927</b> (McMillan and W. Miller) requiring voter approval of any tax increase, among related provisions; <b>SB631</b> (Pipkin and Brinkley) that cuts from 25% to 10% the amount the Governor can cut from an appropriation and requires legislative notice one week prior to Board of Public Works cuts; <b>SB632</b> (Pipkin and Brinkley), a Constitutional amendment to give the legislature more authority over the state budget; <b>SB732</b> (Pipkin et al), a Constitutional amendment requiring a 3/5 General Assembly vote to raise any tax or approve a new tax; <b>HB1294</b> (Minority Leader) to reduce the state deficit with cuts to a long list of programs and services including the RICAs; a similar bill, <b>SB984</b> (Pipkin and Brinkley)	Oppose HB10, HB927 and SB732  Monitor others	HB10 killed by APP HB927 killed by W&M and APP SB631, SB632, SB732, and SB984 died in B&T HB1294 killed by APP
<b>HB14</b>	<b>Health Insurance – Medically Underserved Areas and Populations – Reimbursement for Covered Services Rendered by Telemedicine</b> (Smigiel) Requires insurance companies and HMOs to cover defined services delivered via telemedicine in medically underserved areas. See also <b>HB16</b> (Smigiel) to set up a task force to study this issue; <b>HB17</b> (Smigiel) to require DHMH to give priority to medically underserved areas in awarding related federal grants; <b>SB298</b> (Pipkin) and <b>SB744</b> (Pugh) to require insurance coverage of telemedicine services anywhere; and <b>SB406</b> (Pipkin), a bill similar to HB16	Monitor	HB14, HB16 and HB17 killed by HGO  SB298 and SB744 died in FIN SB406 passed Senate amended, died in House
<b>HB28/SB585</b>	<b>Public Benefits – Requirement of Proof of Lawful Presence</b> (O'Donnell/Stone et al) Imposes new hoops on applications for Medicaid and other benefits. Appears to go beyond current federal proof of citizenship requirement. See similar bill, <b>HB380</b> (McDonough et al)	Oppose	HB28 and HB380 killed by APP/SB killed by EHEA
<b>HB38/SB489</b>	<b>Nonpublic Schools Accepting State Funds – Bullying, Harassment and Intimidation – Policies</b> (Waldstreicher et al/Conway et al) Extends to nonpublic schools provisions now applicable to public schools. See also <b>HB685/SB549</b> (Kaiser et al/King et al) requiring MSDE to provide information to school boards and parents about the health and safety risks of bullying	Monitor	HB38/SB489 <b>PASSED</b> amended HB685 passed House, killed by EHEA/SB549 killed by EHEA
<b>HB58/SB202</b>	<b>Community Services Reimbursement Rate Commission – Termination Date – Extension</b> (Costa/Middleton et al) Extends life of the Commission, whose mission is strongly supported by CBH, through 9/30/16	Support	<b>PASSED</b>
<b>HB89/SB428</b>	<b>Mental Hygiene – Admission Provisions – Definition of "Psychologist"</b> (Kipke/Klausmeier) Alters definition of psychologist in state mental health law dealing with hospital admissions	Monitor	<b>PASSED</b>

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HB97	<b>Behavioral Health – Integration of Mental Health and Addiction Treatment Services</b> (Eckardt) Requires the DHMH Deputy Secretary for Behavioral Health and Disabilities to develop a plan by January 1, 2012 to integrate mental health and addiction treatment services. Sets up a workgroup that includes a mental health provider	Support, at least intent, with amendments	Withdrawn Plan will likely happen without legislation
HB104	<b>Higher Education – Community Colleges – Tuition Waiver for Disabled Individuals</b> (Dept. of Disabilities) Clarifies and strengthens community college tuition exemption eligibility for persons with disabilities	Dept. of Disabilities requests CBH support	<b>PASSED</b>
HB121/ SB168	<b>The Lorraine Sheehan Health and Community Services Act of 2011</b> (Hubbard et al/Jones-Rodwell et al) This is the bill to raise the state tax on alcohol, beer and wine initiated by a large coalition of constituencies including CBH. Proceeds were to fund community mental health, addiction and developmental disabilities services and health care for uninsured adults. Late in session came <b>SB994</b> (Jones-Rodwell and Madaleno) and <b>HB1213</b> (Howard) replacing HB121/SB168, which was never acted upon, and changing the tax to a 3% additional sales tax on alcohol, similar to DC's alcohol tax, and deleting the requirement to dedicate proceeds to health and disability areas.	Support	SB994 <b>PASSED</b> amended with <u>no</u> <u>proceeds to mental health or addictions</u> ; \$15 million goes to the DD waiting list in FY12 with remaining proceeds to education. HB1213 <b>PASSED</b> dedicating funds to school construction
HB217	<b>DHMH – Mental Hygiene Administration – Transfers Between Facilities</b> (DHMH) Provides for notice and hearing prior to a transfer to Perkins Hospital from other state hospitals	Monitor	<b>PASSED</b>
HB265	<b>DDA – Inspections of Licenses</b> (B. Robinson et al) Requires site reviewers to "interpret and apply licensing requirements consistently and uniformly"	Monitor	<b>PASSED</b>
HB311/ SB476	<b>Professional Counselors and Therapists – Continuing Education – Home Study</b> (Hubbard/Benson) Home study courses would be allowed to count toward CEUs	Monitor	<b>PASSED</b>
HB346/ SB384	<b>Health – State Facilities and Residential Centers – Definition of Abuse</b> (Donoghue et al/Mathias) Adds an exception to the definition of abuse in state mental health and developmental disabilities facilities, but final bill amended this to compliance with current laws on physical restraint	Monitor	<b>PASSED</b> amended
HB450/ SB514	<b>MD Community Health Resources Commission – Health Care Reform – Safety Net Providers</b> (Hubbard and Hammen/Middleton and Kasemeyer) Broadens community mental health eligibility from outpatient clinic to "behavioral health program" and adds a "safety net" eligibility category that includes most CBH member agencies; helping prepare safety net providers for health care reform becomes a grant priority	Support	<b>PASSED</b> amended
HB503/ SB371	<b>Health Occupation Boards – Discipline of Health Care Practitioners – Failure to Comply with Governor's Orders</b> (Bromwell et al/Conway) Concerns orders related to disease surveillance, treatment and suppression efforts	Monitor	<b>PASSED</b> amended
HB524	<b>Task Force to Review State Regulations</b> (Clagett and James) Intent is to help businesses but behavioral health providers might want to check this out. See also <b>HB449</b> (Hough et al) concerning impact of state regulations on small businesses	Monitor	HB524 and HB449 killed by HGO
HB570	<b>Health Care Providers – Training – Eating Disorders</b> (Nathan-Pulliam et al) Requires practitioners to complete a specified online course; sponsor to amend it to be a	Monitor	Killed by HGO

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	recommendation instead of a mandate		
HB580/ SB596	<b>State Government – Human Relations – Discrimination in Housing, Employment, and Places of Public Accommodation</b> (Rosenberg et al/Raskin et al) Adds internet websites to list of public accommodations and expands definition of disability among other provisions. See also <b>SB642/HB285</b> (Gladden/Pena-Melnyk et al) dealing with enforcement and penalties related to discrimination by a place of public accommodation	Monitor	HB580 withdrawn/SB596 died in JPR HB285 passed House amended, died in Senate/SB642 passed 2 <sup>nd</sup> reader Senate but then died
HB654	<b>Clinical Review Panels – Psychiatric Medication – Correctional Facilities</b> (Rosenberg and Hubbard) Establishes a process for addressing refusal of medications in state prisons similar to that used in psychiatric facilities	Monitor	Withdrawn
HB730	<b>Public Safety – Regulated Firearms – Mental Disorder</b> (Simmons et al) Prevents anyone who has been treated for any DSM diagnosis within the past 5 years from owning or dealing firearms without a physician certificate stating the person's capability of possessing a firearm	Monitor	Passed House amended to a task force to study the issue, then killed by JPR
HB736/ SB722	<b>Electronic Health Records – Incentives for Health Care Providers – Regulations</b> (Tarrant et al/Rosapepe) Makes certain changes to the state health IT incentive program including permitting providers to specify "the form of incentive"	Monitor	<b>PASSED</b>
HB840	<b>Children, Youth and Families – Services to Children with Special Needs</b> (GOC) Makes a number of changes including to the membership of LMBs and the SCC; LCCs become "local care teams;" strengthens language regarding family involvement and other values; increases attention to out-of-state placements, among other provisions	Monitor	<b>PASSED</b> amended
HB907	<b>Employment Discrimination – Criminal Convictions</b> (Healey et al) Prevents an employer from refusing to hire someone with a specified criminal offense if the offense is not directly related to the job	Monitor	Withdrawn
HB1297	<b>Education – Children with Disabilities – Regional Institutes For Children and Adolescents</b> (DHMH) Requires MSDE to use the education funding formula for RICAs that is used for nonpublic special education schools; means that DHMH's cost would be less	Monitor	Withdrawn
SB5	<b>Physicians – Professional Liability Insurance Coverage – Notification and Posting Requirements</b> (Klausmeier et al) Requires doctors to inform patients if they don't carry malpractice insurance	Monitor	Passed Senate amended, died in House
SB85/HB70 SB86/HB71 SB87/HB72	These are the state <b>Budget Bill, Capital Bond Bill, and Budget Reconciliation and Financing Act of 2011</b> The operating budget may be cut as indicated in Status. The community bond bill request for mental health, developmental disabilities and addictions is \$3.568 million, less than half of last year's amount	Restore Cuts	Advocacy reduced proposed mental health budget cuts (\$6.7 million in House, \$4.2 million in Senate) to \$100,000. Gov's supplemental budget restored \$5 million general + \$5 million federal of community rate cut
SB133	<b>Criminal Procedure – Discharge from Commitment of Person Previously Found Not Criminally Responsible –</b>	Monitor	Died in JPR

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	<b>Judicial Hearing</b> (Stone) Adds procedures governing when someone could be discharged on conditional release		
<b>SB144/ HB377</b>	<b>Mental Hygiene Administration Facilities – Repeal of Provisions That Relate to Closed Facilities</b> (DHMH) Updates state law to delete closed facilities	Monitor	<b>PASSED</b>
<b>SB175/ HB165</b>	<b>Maryland Health Quality and Cost Council</b> (Admin) Establishes this body, created by Executive Order in 2007, in law. Relates responsibilities to federal health care reform	Monitor	Both died in Committee
<b>SB182/ HB166</b>	<b>Maryland Health Benefit Exchange Act of 2011</b> (Admin) Sets up Maryland's health insurance exchange per the federal health care reform law. It is a state government entity as recommended by the Health Care Reform Coordinating Council. See also <b>SB107/HB516</b> (Astle/Bromwell and Kipke) that would set it up as a nonprofit; <b>HB784/SB723</b> (Pendergrass et al/Rosapepe) dealing with medical record privacy issues related to health exchanges; <b>SB724</b> (Rosapepe) allowing a "SHOP exchange" for businesses with 100 or fewer employees	Monitor	SB182/HB166 <b>PASSED</b> amended SB107 and SB724 killed by FIN/HB516 withdrawn  HB784/SB723 <b>PASSED</b> amended
<b>SB183/ HB170</b>	<b>Health Insurance – Conformity with Federal Law</b> (Admin) Makes changes to coverage requirements, grievance processes and other provisions of state health insurance law to conform to the federal healthcare reform law. See also <b>HB15</b> (Smigiel) allowing individuals not to purchase health insurance as required by the federal health care reform law; <b>HB251/SB709</b> (Nathan-Pulliam and Pena-Melnyk/Klausmeier et al) prohibiting insurers from charging more than \$100 per month for prescription co-pays and similar bills dealing with co-pay limits, <b>HB815/SB579</b> (A. Kelly/Rosapepe); <b>SB312/HB811</b> (Madaleno et al/A. Kelly et al) to require health insurance coverage of "habilitative services"; <b>SB388/HB1035</b> (Pinsky et al/Carter et al) to establish a single payer system in MD; <b>HB444/SB710</b> (Nathan-Pulliam/Klausmeier) requiring insurers to acknowledge receipt of applications for clinician paneling; <b>HB880</b> (Minority Leader et al) to amend the state Constitution to enact limits on the regulation of health care and a similar bill, <b>SB733</b> (Pipkin et al); <b>SB561/HB1063</b> (Pugh/Donoghue) that seems to strengthen provisions governing insurance company timely payment of clean claims; <b>SB850/HB1178</b> (Middleton/Tarrant et al) requiring private insurers to be educated about Medicaid and MCHP to obtain and maintain a license; <b>HB974</b> (Tarrant et al) requiring insurers to make preauthorization decisions within 4 hours if provider submits service request electronically	Monitor	SB183/HB170 <b>PASSED</b> amended HB444/SB710 <b>PASSED</b> amended SB850/HB1178 <b>PASSED</b> amended SB561, SB733 died in FIN SB312, SB388 and SB579 killed by FIN SB709, HB15, HB251, HB811, HB815, HB974, HB1063 withdrawn HB880 killed by HGO HB1035 died in HGO
<b>SB197/ HB290</b>	<b>Creation of a State Debt...Arundel Lodge Expansion</b> (Astle/Busch et al) \$200,000 bond bill. See also <b>SB956</b> (Benson), a \$100,000 bond bill for Vesta	Support	Funds included in capital budget bill, HB71
<b>SB241/ HB628</b>	<b>Commission to Study Streamlining and Increasing the Efficiency of the Procurement Process</b> (Pugh et al/Morhaim) Establishes such a commission. See also <b>SB120/HB456</b> (Conway et al/Morhaim et al) dealing with procurement and minority business participation and <b>HB914/SB834</b> (Branch et al/) also dealing with MBE	Monitor	SB241 and SB834 died in EHEA/HB628 withdrawn SB120/HB456 <b>PASSED</b> amended HB914 killed by HGO
<b>SB305/ HB731</b>	<b>Corporate Income Tax – Combined Reporting</b> (Pinsky et al/Ross et al) Makes it harder for multi-state companies to avoid paying Maryland taxes. This is a revenue-raising measure that is supported by the Maryland Budget & Tax Policy Institute and	Support revenue measures as	All died in Committee

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	others: See also <b>SB798/HB1070</b> (Jones-Rodwell/Ivey et al) to extend the millionaires' tax rate to 2014; <b>SB800</b> (Benson and Montgomery), a bill similar to SB305	alternative to cuts	
<b>SB344/HB387</b>	<b>Residential Child and Youth Care Practitioners – Definition</b> (Middleton et al/Nathan-Pulliam et al) Initiated by CBH, would exempt therapeutic group homes from residential child care staff certification requirements	Support	<b>PASSED</b> amended to an interim study of cost and other aspects of staff certification
<b>SB390/HB761</b>	<b>State Government – E-Verify Program</b> (Shank et al/W. Miller et al) Requires entities with state contracts to use federal E-Verify to prevent employment of "unauthorized alien workers." See similar bills, <b>SB807</b> (Stone) and <b>HB760</b> (McDonough et al)	Monitor	SB390, SB807 killed by EHEA/HB761, HB760 killed by HGO
<b>SB510</b>	<b>MD Medical Assistance Program – Recovery Audits</b> (Shank) Authorizes DHMH to hire private consultants to uncover Medicaid overpayments	Monitor	Killed by FIN
<b>SB533</b>	<b>Criminal Procedure – Sexually Violent Offender in Need of Commitment</b> (Stone et al) A bill introduced and defeated many times in the past to allow commitment of specified sex offenders to state psychiatric hospitals upon completion of prison terms	Oppose	Died in JPR
<b>SB550/HB980</b>	<b>DDA – Licensees – Duties and Immunities</b> (Kelley et al/B. Robinson et al) Requires criminal background checks, prior employer reference checks and a data base check before hiring potential employees	Monitor	SB killed by FIN/HB killed by HGO
<b>SB556/HB1150</b>	<b>Mental Hygiene Administration – Facilities – Trauma-Informed Care</b> (Pugh et al/Hubbard et al) Requires psychiatric facilities and general hospital psychiatric units to provide staff training in trauma-informed care and to adopt policies on identifying and responding to sexual abuse and harassment; not sure yet about applicability to community programs	Monitor	<b>PASSED</b> amended
<b>SB562</b>	<b>DHMH – Required Certification of Recovery Homes</b> (Pugh) Requires group homes serving three or more persons in recovery from addiction to be certified and requires DHMH to adopt regulations governing certification; responds to Baltimore Sun articles about a Baltimore provider	Monitor	<b>PASSED</b> amended
<b>SB567</b>	<b>Health – Guidelines for Providing Mental Health Treatment to Individuals with Co-Occurring Disorders</b> (Pugh) Requires the Director of the Mental Hygiene Administration to develop such guidelines "so that treatment does not cause additional harm to an individual who also needs treatment for a substance abuse disorder."	Support intent	Died in FIN
<b>SB587</b>	<b>Protective Order Violations – Mandatory Mental Health Evaluations</b> (Ramirez) Requires the courts to order persons charged with protective order violations under family law to undergo mental health evaluations	Monitor	Withdrawn
<b>SB643/HB902</b>	<b>Human Relations – Housing Discrimination – Source of Income</b> (Gladden and Raskin/Lafferty et al) A bill introduced many times in the past to prevent landlords from refusing to rent to individuals because their source of income is an entitlement or because they have a housing voucher. <b>HB928</b> (McMillan) has a similar name but appears much more limited	Support	SB died in JPR/HB killed by ENV HB928 withdrawn
<b>SB682/</b>	<b>Behavioral Health – Veterans – Coordination and Provision of Services</b> (Peters and Montgomery/Valentino-Smith et al) Continues beyond May 31, 2011 current provisions	Monitor	SB682/HB793

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HB793	to provide access to mental health and addiction treatment for Veterans. See also <b>HB336/SB531</b> (Burns et al/Peters et al) to set up a task force to "study military service related mental health issues and substance abuse problems of veterans and members of the armed services on deployment that may appear in civil, family and criminal cases," among other duties		<b>PASSED</b>  HB336 killed by JUD/SB531 passed Senate amended, killed by JUD
SB716/ HB988	<b>Labor and Employment – MD Wage and Hour Law – Payment of Wages</b> (Garagiola et al/Braveboy et al) Raises state minimum wage to \$8.25/hr as of 7/1/11, \$9.00/hr 7/1/12 and \$9.75 7/1/13, among other provisions. See also <b>SB551/HB1130</b> (Kelley et al/Hucker et al) to expand what employers are prohibited from doing to employees who file complaints about payment of wages	Monitor	SB716 died in FIN/HB988 died in ECM  SB551/HB1130 <b>PASSED</b> amended
SB750/ HB1002	<b>Religious Observance Accommodations Act</b> (Manno/Rosenberg et al) Similar to a bill from last year to require employers to grant leave in accordance with an employee's "sincerely held religious belief." This is broad and could cause staffing problems in residential and other programs	Oppose	SB died in FIN/HB killed by ECM
SB828/ HB925	<b>Disposition of Excess State Property – Former Crownsville Hospital Center</b> (Astle/George et al) Tracking this to see if proceeds from any sale end up in the Community Services Trust Fund per state law.	Monitor	SB killed by EHEA/HB withdrawn
SB830	<b>Tax Credits for Qualifying Employees with Disabilities – Sunset Extensions</b> (Currie) Extends the disability tax credit program for another year. See also <b>HB1308</b> (Gilchrist et al) that includes the disability tax credit among a long list of tax credits that would be turned into deductions	Support	<b>PASSED</b>  HB1308 died in W&M
SB843	<b>Maryland Medical Assistance Program – Eligibility Determinations</b> (Kelley et al) Provides right to appeal and other provisions addressing failure to process Medicaid eligibility determinations within times required by law and regulation.	Monitor	Died in FIN
SB883/ HB1229	<b>Prescription Drug Monitoring Program</b> (Admin) Establishes such a program in DHMH	Monitor	<b>PASSED</b>
SB895	<b>Medical Professional Liability Insurance for Nonprofit Health Care Providers</b> (Madaleno) Requires counties to provide nonprofit health care providers, except hospitals, with malpractice insurance up to specified limits	Monitor	Killed by FIN

HOUSE		SENATE	
Appropriations	APP	Budget & Taxation	B&T
Economic Matters	ECM	Education, Health & Environmental Affairs	EHEA
Environmental Matters	ENV	Finance	FIN
Health & Government Operations	HGO	Judicial Proceedings	JPR
Judiciary	JUD	Passed House & Senate, signed by Gov or awaiting signature	<b>PASSED</b>
Ways & Means	W&M		

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